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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,636	12/30/2003	Ahmad Fakheri	72611-003	6883
29493	7590	12/01/2006	EXAMINER	
HUSCH & EPPEMBERGER, LLC			LEO, LEONARD R	
190 CARONDELET PLAZA				
SUITE 600			ART UNIT	PAPER NUMBER
ST. LOUIS, MO 63105-3441			3744	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/748,636	FAKHERI, AHMAD
	<b>Examiner</b>	<b>Art Unit</b>
	Leonard R. Leo	3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 October 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12,20,22-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) 4,9,10,24 and 25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-8,11,12,20,22,23,26 and 28-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 26, 2006 has been entered.

The amendment filed on October 12, 2006 has been entered. Claims 13-19, 21 and 27 are cancelled, claims 1-12, 20, 22-26 and 28 are pending, and claims 4, 9-10 and 24-25 remain withdrawn from further consideration. Applicant is reminded to include the proper claim identifier with respect to the withdrawn claims.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 11-12 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. Regarding claim 2, Figure 2 of Nelson et al discloses the tube 11 has a circular cross section. Regarding claims 3 and 5, Figure 1 of Nelson et al discloses fin segments 21, 22 spaced apart at regular intervals. Regarding claims 11-12, 22 and 26, Figure 2 of Nelson et al discloses fin segments 21, 22 have a plurality of holes corresponding to the number of loops.

Claims 1-3, 5, 8, 11, 20, 22, 26 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (2,029,890). Regarding claim 2, Figure 3 of Newman discloses the tube 24 has a circular cross section. Regarding claims 3 and 5, Newman discloses fins 23 having fin segments spaced apart at regular intervals. Regarding claims 8 and 29-30, Figure 1 of Newman discloses helical conduit 24 (page 1, column 2, lines 21-25). Regarding claim 11 and 26, Figure 3 of Newman discloses fin segments have a plurality of openings 25 corresponding to the number of loops.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al or Newman in view of Ares.

Nelson et al or Newman discloses all the claimed limitations except a blower within the core.

Ares discloses a heat exchanger comprising a core 16a, 16b having regularly spaced apart fin segments 20a, 20b and blower 44 disposed within the core for the purpose of increasing airflow to improve heat exchange.

Since Nelson et al or Newman and Ares are both from the same field of endeavor and/or analogous art, the purpose disclosed by Ares would have been recognized in the pertinent art of Nelson et al or Newman.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Nelson et al or Newman a blower disposed within the core for the purpose of increasing airflow to improve heat exchange as recognized by Ares.

Claims 7 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al in view of Dailey.

The device of Nelson et al lacks a blower around the core.

Dailey discloses a heat exchanger comprising a core 62 and blower 50 disposed around the core for the purpose of increasing airflow to improve heat exchange.

Since Nelson et al and Dailey are both from the same field of endeavor and/or analogous art, the purpose disclosed by Dailey would have been recognized in the pertinent art of Nelson et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Nelson et al a blower disposed around the core for the purpose of increasing airflow to improve heat exchange as recognized by Dailey.

#### *Response to Arguments*

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

No further comments are deemed necessary at this time.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEONARD R. LEO  
PRIMARY EXAMINER  
ART UNIT 3744

November 27, 2006